

11740-PAJ

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**GREAT AMERICAN INSURANCE  
COMPANY OF NEW YORK,**

**Plaintiff,**

**v.**

**ADVANCE OCEAN INC., NIPPON YUSEN  
KAISHA, NYK (NORTH AMERICA) INC.,  
BURLINGTON NORTHERN SANTA FE  
CORPORATION, BNSF RAILWAY  
COMPANY, THE BURLINGTON  
NORTHERN AND SANTA FE RAILWAY  
COMPANY,**

**Defendants.**

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x	:	<b>07 CIV 6421 (PAC) (THK)</b>
:	:	
:	:	<b>NOTICE OF MOTION</b>
:	:	<b>TO DISMISS</b>
:	:	<b>AMENDED COMPLAINT</b>
:	:	
:	:	
:	:	
:	:	
x	:	

**MOTION BY:** Defendant, Advance Ocean Inc.

**PLACE, DATE &  
TIME OF MOTION:** Before the Honorable Paul A. Crotty, United States District Judge, at the U.S. Courthouse, 500 Pearl Street, New York, NY 10007, at a hearing date to be determined by the Court in the event it requests oral argument.

**SUPPORTING  
PAPERS:**

1. Declaration of Esther Helen Lee, dated January 31, 2008; and
2. Memorandum of Law in Support of Motion.

**RELIEF  
REQUESTED:** An order dismissing the Amended Complaint for failure to state a claim upon which relief can be granted, or alternatively, for lack of personal jurisdiction under, respectively, Fed. R. Civ. P. Rules 12(b)(6) and 12(b)(2).

**OPPOSING  
PAPERS:** Opposing papers are to be filed in accordance with the Court's Scheduling Order dated January 17, 2008.

Dated in the City, County & State of New York on February 1, 2008

Respectfully submitted,

JUNGE & MELE, LLP  
*Attorneys for Defendant - Advance Ocean Inc.*

/s/ Peter A. Junge

By \_\_\_\_\_  
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To: All Counsel via ECF